UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION

JTH TAX, INC. d/b/a LIBERTY TAX SERVICE,	}	
Plaintiff,	}	**Civil No. 2:07cv169**
v.	}	
JEROME REED,	}	
Defendant.	}	

JEROME REED,	}	
Plaintiff,	}	**Civil No. 2:07cv403**
v.	}	
JTH TAX, INC. d/b/a LIBERTY TAX SERVICE,	}	
Defendant.	}	

Motion To Consolidate

Plaintiff, JTH Tax, Inc. d/b/a Liberty Tax Service ("Liberty"), by counsel, for its Motion to Consolidate the two above stated actions, states as follows:

1. The Defendant, Jerome Reed ("Reed), filed a Complaint in New Jersey State Court on September 7, 2007.
2. On or about April 17, 2007, the case was removed to the United States District Court, District of New Jersey.

Dockets.Justia.com

3. On May 7, 2007, Liberty filed a Motion to Transfer the case to the United States District Court, Eastern District of Virginia pursuant to a forum selection clause in each of Reed's Franchise Agreements.
4. On August 21, 2007, the United States District Court of New Jersey granted Liberty's Motion to Transfer and that case is presently before this Court as Civil No. 2:07cv403.
5. The Plaintiff, JTH Tax, Inc. d/b/a Liberty Tax Service, filed a Complaint in this Court in this matter on or about April 12, 2007, Case No. 2:07cv169.
6. Both contractual actions center on five Liberty Franchise Agreements with Reed.
7. Rule 42(a) of the Federal Rules of Civil Procedure permits a court to consolidate actions pending before it if those actions involve "a common question of law or fact."
8. The instant actions involve "a common question of law or fact" and, as such, satisfy the consolidation requirement under Rule 42(a).
9. Further detailed facts are contained in the accompanying Memorandum in Support of Motion to Consolidate.

WHEREFORE, in consideration of the foregoing, the plaintiff Liberty Tax Service respectfully prays that both actions identified above be consolidated.

JTH Tax, Inc. d/b/a Liberty Tax Service

By: ________________/s/_______________________
Counsel

Vanessa M. Szajnoga, Esq. (VSB #71500)
Counsel for Plaintiff
Liberty Tax Service
1716 Corporate Landing Parkway
Virginia Beach, VA 23454
Telephone number: 757-493-8855
Fax number: 800-880-6432
Email: Vanessa.Szajnoga@libtax.com

CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of September 2007, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

Jeffrey A. Fleischhauer, Esq. (VSB No. 29620)
S.J. Robert Slepm, Esq. (VSB No. 42406)
Counsel to Defendant Jerome Reed
Shenandoah Legal Group, P.C.
310 Jefferson Street., S.E.
P.O. Box 75
Roanoke, Virginia 24002-0075

/s/

Vanessa M. Szajnoga, Esq.
(VSB #71500)
Counsel for Plaintiff
Liberty Tax Service
1716 Corporate Landing Parkway
Virginia Beach, VA 23454
Telephone number: 757-493-8855
Fax number: 800-880-6432
Email: Vanessa.Szajnoga@libtax.com